NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Site Mitigation Program
700 Heinz Avenue, Suite 200
Berkeley, CA 94710

Project Title: Approval of the Response Plan for the LaVista, LLC Site

Project Location: 22958 Saklan Road, Hayward, California

County: Alameda

Project Description:
The Response Plan: 1) removes soil containing diesel and motor oil above cleanup goals protective of groundwater resources; 2) removes soil containing tetrachloroethene (PCE) and 1,4-dioxane in soil gas above cleanup goals protective of residential indoor air; and 3) restricts the future use of groundwater containing PCE and cis-1,2-dichloroethene (DCE) above drinking water standards.

Background:

The Site is an approximately 3.5-acre parcel located at 22958 Saklan Road, at the corner of North Lane, in Hayward, California. The Site is bordered by commercial land uses to the north, industrial uses to the west, single-family residences to the south and a mobile home park to the east.

The Site was grasslands before the 1950s. A pickle processing facility operated at the Site between the 1950s and 2004. The Site contains outdoor paved areas, open concrete-lined wastewater conveyance trenches, warehouse and pickle processing buildings, a cucumber receiving and washing area, a boiler house, a wash rack and a wastewater treatment pit. The Site is currently unoccupied.

Investigations were conducted at the Site between 2005 and 2006. Diesel and motor oil are the chemicals of concern in the soil. PCE and 1,4-dioxane are the chemicals of concern in the soil gas. PCE and DCE are the chemicals of concern in the groundwater. The PCE and DCE in groundwater are believed to have originated from an upgradient source that is migrating under the Site.

Soil Fuel oils such as diesel and motor oil were stored in a 55-gallon drum and used to fuel an onsite steam cleaner. Releases of fluids from the wash rack pad and the drop inlet near the office, warehouse and pickle processing building contributed diesel and motor oil to soil. Diesel was reported up to 849 milligrams per kilogram (mg/kg) and motor oil was reported up to 1,370 mg/kg. The cleanup goal is set at 100 mg/kg for protection of groundwater resources, which is well below the residential cleanup goals for diesel and motor oil which are 400 and 1,000 mg/kg, respectively.

Soil Gas Soil gas, or soil vapor, is the air found in the pore spaces between soil particles. VOCs spilled on the ground surface can move into the subsurface and collect in the soil vapor. Cleaning agents and solvents containing VOCs were used and stored in the vicinity of the process buildings and machine shop. Wastewater containing cleaning agents was conveyed through concrete trenches and subsurface piping to the onsite wastewater treatment pit prior to being discharged into the sanitary sewer. Leaks in the concrete trenches appear to have resulted in the release of PCE and the 1,1,1-trichloroethane stabilizer, 1,4-dioxane. PCE was reported in soil gas up to 1,090 micrograms per cubic meter ($\mu g/m^3$), which is above its residential cleanup goal of 180 $\mu g/m^3$. 1,4-dioxane was reported in soil gas up to 4,370 $\mu g/m^3$, which is above its residential cleanup goal of 2,500 $\mu g/m^3$.

Groundwater Groundwater is encountered at approximately 15 feet below the ground surface. The distribution of PCE onsite appears to be associated with historical pumping of the onsite water supply well and an upgradient source of PCE. PCE was reported at concentrations ranging from non-detect to 23.2 micrograms per liter ($\mu g/l$), which is above its drinking water standard of 5 $\mu g/l$. DCE was reported up to 7.79 $\mu g/l$, which is above its drinking water standard of 6 $\mu g/l$.

Project Activities:

The proposed remedial action consists of: 1) removing soil containing diesel and motor oil above Site cleanup goals; 2) removing soil in areas where PCE and 1,4-dioxane were detected in soil vapor above Site cleanup goals; 3) monitoring groundwater beneath the Site; and 4) recording an environmental restriction to restrict groundwater use until drinking water standards are achieved. The project activities will consist of:

1. Soil Excavation: Soil containing diesel and motor oil above cleanup goals in two areas and soil containing PCE and 1,4-dioxane in soil gas above cleanup goals in one area will be removed. A total of approximately 800 cubic yards of soil will be excavated using a front-end loader. Soil excavation is anticipated to depths ranging from approximately 3 to 8 feet below the ground surface. Excavated soil will either be: directly loaded into trucks for offsite disposal; stockpiled and covered with plastic sheeting until characterized; or placed in covered soil bins until characterized. A grading and excavation permit from the City of Hayward will be obtained. Excavation slopes will be three horizontal to one vertical or flatter and hence, should not require shoring.

2. Soil samples will be collected and analyzed following excavation to show that concentrations of TPH as diesel and motor oil are at or below soil cleanup goals. Soil gas monitoring will be conducted following soil excavation to verify that concentrations of PCE and 1,4-dioxane are below the residential cleanup goals.

3. Personal protective equipment will be donned, as required, in a site-specific health and safety plan which complies with Title 8, California Code of Regulations and 29 Code of Federal Regulations, section 1910.120.

4. Soil above cleanup goals will be excavated and loaded into trucks, covered, and transported offsite to an appropriately permitted disposal facility. Approximately 50 truck trips over four weeks (not more than 20 a day) would be required to dispose of the excavated soil. This should not significantly impact traffic in the area. If required by the City of Hayward, a flagman will be used to ensure safety while accessing and exiting the Site. Trucks are expected to exit the Site at Saklan Road and turn right onto West Winton Avenue, to enter Interstate Highway 880 (I-880). Trucks will be controlled to avoid transport during peak commute hours.

5. Excavations will be backfilled within onsite material, compacted, and graded to restore the ground surface.

6. Abandonment of the existing drinking water well.

7. The property owner will enter into an Operation and Maintenance Agreement and record a deed restriction requiring operation and maintenance of the groundwater monitoring wells and precluding use of groundwater underlying the site for drinking water without appropriate treatment to meet drinking water standards.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Peralta Street, LLC

Exemption Status: (check one)

☐ Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
☐ Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
☐ Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
☒ Categorical Exemption: Title 14, CCR, section 15330
☐ Statutory Exemptions: [State code section number]
☐ General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances)

Reasons Why Project is Exempt:
The project is a small removal action that costs under $400,000. A licensed hazardous waste contractor will excavate the approximately 800 cubic yards of soil over four weeks. The Site is not on the Hazardous Waste and Substances and Sites (Cortese) List. There are no endangered species, either plant or animal, or sensitive habitat on the Site or in the Site vicinity. There are no known cultural resources areas in the vicinity of the Site. Control measures have been included in the Cleanup Plan to: minimize potential for impact to the environment during the soil excavation and groundwater treatment activities; and demonstrate that the sources of groundwater contamination are removed to achieve the objectives as described above.

The following control measures ensure that there will not be a significant environmental effect:

1. Dust control measures will comply with the Bay Area Air Quality Management District (BAAQMD) feasible control measures to protect onsite and offsite receptors from chemicals in soil and nuisance dust. These measures include spraying water on the Site, as needed, for dust control, covering stockpiles, soil bins and trucks, and dry brushing truck wheels and sides before trucks leave the Site. This will also ensure compliance with the Occupational Health and Safety Administration (OSHA) Permissible Exposure Level (PEL) for Nuisance Dust.

2. Site workers will comply with the health and safety requirements of Title 8, California Code of Regulations and 29 Code of Federal Regulations, section 1910.120.

3. It is anticipated that the soil containing chemicals of concern above site cleanup levels will be excavated and disposed of as a non-hazardous waste at an offsite Class II or Class III disposal facility. However, any soil whose profile determines that it is a hazardous waste will be transported by licensed hazardous waste transporters to an offsite hazardous waste disposal facility.

4. The work will be conducted Monday through Friday between 7 AM and 7 PM, which is within the hours permitted under the City of Hayward Municipal Code.

5. Transportation will not significantly impact traffic in the area. As described in Project Activities, item #4 above, not more than 20 truck trips per day will travel along the specified route, avoiding peak commute hours.

6. A deed restriction will be recorded prohibiting the use of the underlying shallow groundwater. This restriction will also protect the installed groundwater monitoring wells. Shallow groundwater is not used for drinking water. Drinking water is provided by the East Bay Municipal Utility District.

Janet Naito	Senior Hazardous Substance Scientist	510-540-3833
Project Manager Name	Project Manager Title	Phone #

Branch Chief Signature	Date

Barbara Cook	Branch Chief	510-540-3843
Branch Chief Name	Branch Chief Title	Phone #

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: